

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 490 of 1997

AND

CRIMINAL REVISION APPLICATION No.491 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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HARISHBHAI S DAVE

Versus

STATE OF GUJARAT

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Appearance:

M/S THAKKAR ASSOC. for Petitioners  
MR RP SOLANKI ADD. PUBLIC PROSECUTOR  
for Respondent No. 1  
MR SURESH S PATEL for Respondent No. 2

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CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 21/01/98

ORAL JUDGEMENT

A complaint came to be filed by Nandlal Bapalal Shah, opponent no.2 in the application. After the investigation was over, the Police prayed for 'C' Summary which came to be granted by the learned Metropolitan

Magistrate at Ahmedabad. Against that order, Revision Application No. 199 of 1997 was preferred. That was allowed and the learned Magistrate was directed to proceed with the complaint. Against that order, present revision applications have been preferred.

2. At the time of hearing, it is submitted by the learned advocate representing the parties, that the Respondent No.2 who is the original complainant is present before the Court and the parties have settled all the disputes. In fact, therefore, the cause to pursue these applications does not survive and the order passed by the learned Sessions Judge may be set aside, without assigning any reasons. Perusing the order passed by the learned Sessions Judge and the learned Metropolitan Magistrate as well as the facts and circumstances of the case, these Revision Applications are allowed and the order passed by the learned Additional Sessions Judge in Revision Application No. 199 of 1997 is hereby set aside and the order passed by the learned Metropolitan Magistrate granting 'C' Summary is restored. The Revision Applications stand disposed of accordingly. Rule accordingly made absolute.

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(ccs)